

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRUEPOSITION, INC.

Plaintiff,

vs.

LM ERICSSON TELEPHONE COMPANY
(TELEFONAKTIEBOLAGET LM ERICSSON)

Case No. 2:11-cv-4574-RK

QUALCOMM, INC.

ALCATEL-LUCENT USA INC.

and

THIRD GENERATION PARTNERSHIP
PROJECT A/K/A 3GPP

Defendants.

**MOTION OF DEFENDANT QUALCOMM INC. FOR LEAVE
TO FILE UNDER SEAL ITS MOTION TO COMPEL PLAINTIFF
TRUEPOSITION, INC. TO ANSWER CERTAIN INTERROGATORIES
AND DECLARATION OF BENJAMIN H. DIESSEL**

Defendant Qualcomm Inc. (“Qualcomm”) moves for an order from this Court pursuant to E.D.P.A. L.R. 51.5(a)(2) for leave to file under seal its Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, and accompanying Memorandum in Support and Declaration of Benjamin H. Diessel (“Diessel Declaration”), with Exhibits in support. The Memorandum in Support and Declaration reference several documents that TruePosition or Qualcomm has designated as confidential under the Court’s January 16, 2013 Protective Order (“Protective Order”)

(Dkt. No. 174). Specifically, referenced material designated as confidential includes at least the following:

- Letter from B. Diessel to T. Sahakian (Nov. 12, 2013), attached as Ex. 4 to Diessel Decl., which has been designated “Outside Counsel Eyes Only” under the Protective Order;
- Letter from A. Sheedy to B. Diessel (Nov. 14, 2013), attached as Ex. 5 to Diessel Decl., which has been designated “Outside Counsel Eyes Only” under the Protective Order;
- Letter from B. Diessel to A. Sheedy (Dec. 2, 2013), attached as Ex. 6 to Diessel Decl., which has been designated “Outside Counsel Eyes Only” under the Protective Order;
- Letter from A. Sheedy to B. Diessel (Dec. 9, 2013), attached as Ex. 8 to Diessel Decl., which has been designated “Outside Counsel Eyes Only” under the Protective Order;
- TruePosition’s Amended Responses and Objections to Defendant Qualcomm’s First Set of Interrogatories, attached as Ex. 9 to Diessel Decl., which TruePosition has designated “Highly Confidential” under the Protective Order;
- TruePosition’s Responses and Objections to Defendant Qualcomm’s First Set of Interrogatories, attached as Ex. 10 to Diessel Decl., which TruePosition has designated “Outside Counsel Eyes Only” under the Protective Order;
- Qualcomm’s Responses and Objections to Plaintiff TruePosition, Inc.’s First Set of Interrogatories, attached as Ex. 12 to Diessel Decl., which Qualcomm has designated “Outside Counsel Eyes Only” under the Protective Order.

In compliance with Paragraph 11 of the Protective Order, Qualcomm moves to file under seal its Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, Memorandum in Support, and Declaration. Simultaneously with the filing of this motion, Qualcomm is also filing a public version of the Motion to Compel, which omits references to the foregoing material.

Dated: January 6, 2014

Respectfully submitted,

/s/ Robert N. Feltoon

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Counsel for Qualcomm Incorporated

CERTIFICATE OF SERVICE

I, Robert N. Feltoon, hereby certify that I caused a true and correct copy of the foregoing Motion of Defendant Qualcomm Inc. for Leave to File Under Seal Its Joint Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, and the Declaration of Benjamin H. Diessel with Exhibits, in support thereof, to be electronically filed pursuant to the Court's electronic filing system, and that the filing is available for downloading and viewing from the electronic court filing system. I further certify that I caused a true and correct copy of the foregoing Motion to be served by hand on the following counsel for Plaintiff, TruePosition, Inc. on this day:

BY HAND SERVICE:

John G. Harkins, Jr.
Colleen Healy Simpson
HARKINS CUNNINGHAM LLP
4000 Two Commerce Square
2001 Market Street
Philadelphia, PA 19103-7044

Dated: January 6, 2014

Respectfully submitted,

/s/ Robert N. Feltoon
Robert N. Feltoon

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PROPOSED ORDER

AND NOW, this _____ day of _____, 2014,

upon consideration of Defendant Qualcomm's Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, and accompanying Memorandum in Support and Declaration of Benjamin H. Diessel, and good cause being shown, it is hereby ORDERED and DECREED that the Motion is GRANTED and Defendant Qualcomm's Motion to Compel Plaintiff TruePosition, Inc. to Answer Certain Interrogatories, Memorandum in Support, and Declaration of Benjamin H. Diessel with Exhibits in support shall be filed and maintained UNDER SEAL.

BY THE COURT

Hon. Robert F. Kelly, U.S.D.J.